

Docket No: ZERNICKEL-2
Appl. No: 10/643,209

REMARKS

The last Office Action of July 27, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-24 are pending in the application. Claims 9-17, 20, and 22-24 have been withdrawn from further consideration. No claims have been amended, canceled or added. No amendment to the specification has been made. No fee is due.

Claims 1-7, 18, 19, and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by German patent publication DE 27 05 331(hereinafter "DE '331").

Claims 1-7, 18, 19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,620,259 to Mainardi.

It is noted that claim 8 has not been rejected on any prior art. During a telephone interview between the Examiner and applicant's representative on September 1, 2004, the Examiner confirmed that claim 8 is allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer amendment to this dependent claim in view of the arguments presented below regarding claims 1 and 18.

The rejection of the claims under 35 U.S.C. §§102(b) and 103(a) is respectfully traversed for the following reasons:

Docket No: ZERNICKEL-2
Appl. No: 10/843,209

In general, applicant wishes to note that the Examiner's rejection of claims 1-7, 18, 19, and 21 pursuant to 35 U.S.C. §102(b) is based on a mere recitation of claim 1 and thus allows applicant only to speculate as to the portions of DE '331 relied upon that would contain the claimed invention. If the Examiner maintains the rejection in a subsequent Office action, applicant respectfully requests a reference to the portions of DE '331 relied upon.

The present invention is directed to a linear guide which includes plural axial rolling bearings for support of a shaft, with each axial rolling bearing having a bushing-type bearing member and a cup-shaped bearing member, whereby the axis of the bushing extends at a parallel shift in relation to the shaft center. Thus, the contact point of the shaft is shifted so as to establish a rotation lever which causes a rotation of the bearing member, when the shaft moves linearly. An adverse impact of dimensional tolerances can thereby be eliminated by a tolerance-independent positioning of the axial rolling bearing in relation to the shaft. (compare also paragraph [0010] of the instant specification).

DE '331 is directed to radial rolling bearings, each having a rolling element (5) rotatably mounted via a radial needle bearing (12) upon a bolt (8) which is received in a housing bore. Apart from the fact that DE '331 relates to radial rolling bearings, as opposed to the axial rolling bearings of the present invention, DE '331 fails to disclose the parallel shift of the bushing axis in relation to the shaft center, and a convex cup-shaped surface of the bearing member to thereby define a convex surface for support of the shaft. In addition, the construction in DE '331 does not provide for an adjustment of the freedom of play

Docket No: ZERNICKEL-2
Appl. No: 10/843,209

because, once the bolt is placed in the housing bore, the radial distance between the rolling element and the flat surface of the shaft is fixed. As a consequence, a play caused by tolerance fluctuations cannot be compensated as the rolling element cannot readjust in radial direction.

The Examiner's rejection of claims 1-7, 18, 19, and 21 pursuant to 35 U.S.C. §103(a) is also based on a mere recitation of claim 1 and thus allows applicant only to speculate as to the portions of Mainardi relied upon that would contain the claimed invention. If the Examiner maintains the rejection in a subsequent Office action, applicant respectfully requests a reference to the portions of Mainardi relied upon.

Mainardi discloses a linear guide having a carriage (2) supported on a shaft (1) via rolling elements (6) which are supported in ball bearings (7). This construction is similar to the construction in DE '331. Mainardi fails to disclose the parallel shift of the bushing axis in relation to the shaft center, and a convex cup-shaped surface of the bearing member to thereby define a convex surface for support of the shaft. Thus, there is no possibility for the rolling elements to adjust their position upon the running surfaces (3) of the shaft.

For the reasons set forth above, it is applicant's contention that neither DE '331 nor Mainardi neither teaches or suggests the features of the present invention, as recited in claims 1 and 18.

As for the rejection of the retained dependent claims, these claims depend on claims 1 and 18, respectively, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Docket No: ZERNICKEL-2
Appl. No: 10/643,209

The Examiner further takes Official Notice that it is well known in the art to use *"a linear guide/slid in combination with a vehicle steering column"*. The Examiner further takes Official Notice that it is notoriously known in the art *"to provide ball bearings with an outer race member press fitted into a housing"*. Applicant believes that the rejections based on Official Notice are all improper in the context of the present invention and requests a citation or an Examiner's affidavit that provides such citations.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

On page 1 of the Office Action, the Examiner noted that no certified copy of priority document no. 101 06 982.0 has not been filed as of yet. The respective priority document will be submitted as soon as available.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the

Docket No: ZERNICKEL-2
Appl. No: 10/843,209

Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: October 27, 2004
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:af